

RULES GOVERNING PARTICIPATION BY PROPERTY OWNERS  
AND THE EXTENSION OF REASONABLE PREFERENCES TO  
BUSINESS OCCUPANTS IN THE  
CENTRAL LONG BEACH REDEVELOPMENT PROJECT

Draft

I. [§100] PURPOSE AND INTENT

These rules are adopted pursuant to the Community Redevelopment Law of the State of California in order to implement the provisions of the Redevelopment Plan for the Central Long Beach Redevelopment Project regarding participation by property owners and the extension of reasonable preferences to business occupants within the Project. These rules set forth the procedures governing such participation and preferences.

It is the intention of the Agency to permit participation in the redevelopment of the Project Area by property owners and to extend reasonable preferences to business occupants of real property within the boundaries of the Project Area to the maximum extent consistent with the objectives of the Redevelopment Plan.

II. [§200] DEFINITIONS

As used herein, the following definitions apply:

- (1) “Agency” means the Redevelopment Agency of the City of Long Beach, California.
- (2) “Business Occupant” means any person, persons, corporation, association, partnership or other entity engaged in business within the Project Area on or after the date of adoption of the Redevelopment Plan by the City Council of the City of Long Beach.
- (3) “Owner” means any person, persons, corporation, association, partnership or other entity holding title of record to real property in the Project Area on or after the date of adoption of the Redevelopment Plan by the City Council of the City of Long Beach.

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- (4) "Owner Participation Agreement" means an agreement entered into by an Owner with the Agency in accordance with the provisions of the Redevelopment Plan and these rules.
  - (5) "Project Area" means the area described in the "Legal Description of the Project Area Boundaries" (Attachment No. 1 of the Redevelopment Plan) and shown on the "Project Area Map" (Attachment No. 2 of the Redevelopment Plan).
  - (6) "Redevelopment Plan" means the Redevelopment Plan for the Central Long Beach Redevelopment Project as adopted by the City Council of the City of Long Beach by Ordinance No. \_\_ on \_\_\_\_\_, 2000.

### III. [§300] ELIGIBILITY

Owners shall be eligible to participate in the redevelopment of property within the Project Area in accordance with the provisions of the Redevelopment Plan, these rules and the limitations herein described.

Participation opportunities are necessarily subject to and limited by factors such as the following:

- (1) The elimination and changing of some land uses;
- (2) The construction, widening or realignment of some streets;
- (3) The ability of participants to finance acquisition and development in accordance with the Redevelopment Plan;
- (4) The reduction in the total number of individual parcels in the Project Area; and
- (5) The construction or expansion of public facilities.

The Agency presently contemplates that in carrying out the Redevelopment Plan, certain portions of the Project Area may be acquired by the Agency for

public improvements, facilities and utilities. Therefore, Owner participation opportunities will not be available for such properties.

#### IV. [§400] PARTICIPATION PROCESS

At least sixty (60) days prior to: (1) soliciting requests for proposals from persons or entities who do not own real property or conduct a business within the Project Area ("Outside Developers"); or (2) commencing negotiations with an Outside Developer for the redevelopment of property within the Project Area, the Agency shall notify in writing Owners and Business Occupants within the area which might be subject to acquisition by the Agency ("Affected Area") of their reasonable first opportunity to submit a proposal for the redevelopment of the Affected Area. The notification shall include:

- (1) An identification of the Affected Area.
- (2) A general description of the proposed use of the Affected Area, including any applicable use or design standards or restrictions.
- (3) A statement that for a period of at least sixty (60) days the Agency will consider proposals of Owners and Business Occupants without competition from Outside Developers.
- (4) A description of the minimum contents of a proposal and the date by which such proposals must be submitted.
- (5) A general description of the standards and criteria which the Agency will use in selecting a developer. Such criteria may include, but are not limited to:
  - (a) A demonstration of the proposer's financial capability to expeditiously undertake and complete development.
  - (b) A demonstration of the proposer's development experience in projects of a similar nature.

- (c) The extent to which the proposed project will create employment opportunities, generate new or increased sales or property taxes, or otherwise achieve the goals and objectives of the Redevelopment Plan.

The Agency shall consider in good faith any proposals submitted by Owners or Business Occupants. In evaluating such proposals, the Agency shall extend any available forms of development assistance which may be appropriate under the circumstances. If the Agency does not accept the proposal of an Owner or a Business Occupant, the Agency shall notify the Owner or Business Occupant in writing and shall explain briefly why the proposal was not accepted. The Owner or Business Occupant shall have thirty (30) days from the date of such notice to revise and resubmit the proposal.

If an Owner or Business Occupant is selected by the Agency, the Agency may require the selected Owner or Business Occupant to enter into an Owner Participation Agreement with the Agency.

If an Owner or Business Occupant is not selected and the Owner or Business Occupant is subsequently displaced, the Agency shall use its best efforts to offer the Owner or Business Occupant a reasonable opportunity to relocate or reenter into business at another location within the Project Area.

## V. [§500] OWNER PARTICIPATION AGREEMENTS

Owners wishing to participate in redevelopment within the Project Area may be required, as a condition to such participation, to enter into an Owner Participation Agreement with the Agency if the Agency determines it is necessary to impose upon the property any of the standards, restrictions and controls of the Redevelopment Plan. The Agreement may require the participant to join in the recordation of such documents as the Agency may require in order to ensure the property will be developed and used in accordance with the Redevelopment Plan and the Owner Participation Agreement.

## VI. [§600] CONTENTS OF OWNER PARTICIPATION AGREEMENTS

An Owner Participation Agreement shall obligate the Owner, his heirs, and successors and assigns, and tenants to devote the property to the uses specified in the Redevelopment Plan, abide by all provisions and conditions of the Redevelopment Plan for the period of time that the Redevelopment Plan is in force and effect, and comply with all the provisions of the Owner Participation Agreement according to their terms, duration and effect.

An Owner Participation Agreement may provide that if the Owner does not comply with the terms of the Agreement, the Agency, in addition to other remedies, may acquire such property or any interest therein by any lawful means, including eminent domain, for its fair market value as of the date of the Owner Participation Agreement, and the Agency may thereafter dispose of the property or interest so acquired in accordance with the Redevelopment Plan.

An Owner Participation Agreement shall contain such other terms and conditions which, in the discretion of the Agency, may be necessary to effectuate the purposes of the Redevelopment Plan.

## VII. [§700] LIMITATIONS ON ACQUISITION OF PROPERTY BY THE AGENCY

The Agency shall not acquire real property to be developed by an Owner pursuant to a fully executed Owner Participation Agreement if the Owner fully performs under the Agreement.

The Agency shall not acquire real property on which an existing building is to be continued on its present site under the Redevelopment Plan and in its present form and use without the consent of the Owner, unless:

- (1) Such building requires structural alteration, improvement, modernization or rehabilitation;
- (2) The site or lot on which the building is situated requires modification in size, shape or use; or
- (3) It is necessary to impose upon such property any of the controls, limitations, restrictions and requirements of the Redevelopment Plan, and

the Owner fails or refuses to participate in redevelopment by executing an Owner Participation Agreement in accordance with the provisions of the Redevelopment Plan.

VIII. [§800] PREFERENCE TO BUSINESS OCCUPANTS WITHIN THE PROJECT AREA

Business Occupants who desire to remain within the Project Area shall be extended a reasonable preference to remain or reenter in business within the Project Area, if they otherwise meet the requirements prescribed in these rules and the Redevelopment Plan.

IX. [§900] AMENDMENT OF RULES

These rules may be modified or amended from time to time by the Agency at any regular or duly called special meeting, provided, however, that no such amendment shall retroactively impair the rights of Owners who have executed Owner Participation Agreements with the Agency in reliance upon these rules as presently constituted.

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Adopted by the  
Redevelopment Agency of the  
City of Long Beach, California

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